

ISSUE: Can a manufactured home park owner or operator inspect the interior and exterior of a tenant's manufactured home proposed for, and prior to, an on-site, in-park re-sale?

DISCUSSION: On November 23 and December 8, 1993, the Park Committee and the Michigan Mobile Home Commission, respectively, discussed whether Section 28a(1) of the Mobile Home Commission Act, which establishes a park's authority to issue and enforce written rules governing a home's aesthetic condition and physical condition, allows park owners and operators to inspect manufactured homes offered for on-site in-park re-sale. The Commission confirmed that Section 28a(1) of the Act does not prohibit the interior inspection of a home prior to an on-site in-park re-sale if the park rules disclose the inspection and the general standards which will be used in the inspection. Section 28a(1)(e) of the Act underscores this interpretation by authorizing the park owner's or operator's assessment of a reasonable fee to inspect homes before their sale.

#### INTERPRETIVE STATEMENT

THE MICHIGAN MOBILE HOME COMMISSION INTERPRETS SECTION 28a(1), MCL 125.2328a(1), AS ALLOWING A MANUFACTURED HOME PARK OWNER OR OPERATOR TO CONDUCT AN INSPECTION OF THE INTERIOR AND EXTERIOR OF A MANUFACTURED HOME OFFERED PRIOR TO ITS ON-SITE IN-PARK RESALE IF THE WRITTEN PARK RULES DISCLOSE THE INSPECTION AND THE GENERAL STANDARDS WHICH WILL BE USED IN THE INSPECTION.

X  Approved/   Disapproved by Mobile Home Commission  3/16/94   
Date

ISSUE:

The version of Rule 941(2) of the Mobile Home Commission Rules which was in effect from May 1, 1980 until February 1, 1991 reads as follows:

Rule 941. A mobile home shall be in compliance with the following minimum distances:

(2) Any part or structure that belongs to a mobile home shall be set back the following minimum distances:

- (a) Ten feet from an internal road and 7 ½ feet from a parking bay.
- (b) Seven feet from a common pedestrian walkway.
- (c) Ten feet from a natural or manmade lake, object, or waterway.

Are two adjacent structures (e.g. decks, carports, or steps), which are attached to adjacent manufactured homes, objects under the May 1, 1980 version of Rule 941(2)(c)?

DISCUSSION:

Rule 941(2)'s subdivisions (a) and (b) and the part of (c) which does not include the word "object" do not refer to distances from adjacent manufactured homes. However, Rule 941(1)'s subdivisions (a) and (b) do refer to distances from adjacent manufactured homes. Given this context, it is unlikely that the word "object" in subdivision (c) was intended to refer to adjacent manufactured homes.

INTERPRETIVE STATEMENT

THE MOBILE HOME COMMISSION INTERPRETS THE WORD "OBJECT" IN THE VERSION OF RULE 941(2)(c) WHICH WAS IN EFFECT FROM MAY 1, 1980 UNTIL FEBRUARY 1, 1991 AS NOT INCLUDING TWO ADJACENT STRUCTURES WHICH ARE ATTACHED TO ADJACENT MOBILE HOMES.

  X   Approved/        Disapproved by Mobile Home Commission   6/29/94    
Date

ISSUE: Rule 192 (2) [R 125.1192 (2)] of the Mobile Home Commission Rules reads as follows:

“All licensees shall post, in a conspicuous place, the following statement for resolving complaints:

Under the Mobile Home Commission Act you have the right to file a valid complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under this act or these rules, you must notify the park, dealer, broker, or installer/repairer in writing that a problem exists. If they do not provide a reasonable response within 15 days of receipt of your complaint, you may file a complaint with the Michigan Department of Commerce, Corporation and Securities Bureau, Mobile Home and Land Resources Division, P.O. Box 30222, Lansing, Michigan 48909. Please note that only violations pertaining to the mobile home commission act or these rules can be accepted by the Mobile Home and Land Resources Division. Complaints pertaining to mobile home park rent costs do not fall under the authority of the act.”

To whom does Rule 192's requirement for complaint notification of respondents 15 days before filing a complaint with the Manufactured Housing Division apply?

DISCUSSION: The Manufactured Housing Division in the Corporation, Securities and Land Development Bureau of the Department of Consumer and Industry Services receives complaints about persons who are and persons who are not under the jurisdiction of the Mobile Home Commission Act and Rules. These complaints are received from mobile home purchasers and residents, licensees under the Act and Rules, other governmental entities, and other identified and unidentified persons.

In order to determine to whom Rule 192 applies, the Division asked the Commission to recommend an interpretation of the Rule. On January 8, 1997, the Commission's Retailer Committee made a recommendation which was embodied in an interpretive statement by the Commission at its meeting on January 22, 1997. On August 27, 1997, the Commission recommended that the interpretive statement be amended to read as follows.

#### INTERPRETIVE STATEMENT

THE MOBILE HOME COMMISSION RECOMMENDS INTERPRETING THE REQUIREMENT IN RULE 192 (2) [R 125.1192 (2)] FOR COMPLAINT NOTIFICATION OF RESPONDENTS FIFTEEN DAYS BEFORE FILING A COMPLAINT WITH THE MANUFACTURED HOUSING DIVISION AS FOLLOWS:

1. IT APPLIES TO ALL RESPONDENTS WHO ARE MANUFACTURED HOME MANUFACTURERS OR WHO ARE LICENSED UNDER THE MOBILE HOME COMMISSION ACT AND RULES.

2. IT APPLIES TO ALL COMPLAINANTS WHO ARE MOBILE HOME PURCHASERS OR RESIDENTS, LICENSEES UNDER THE MOBILE HOME COMMISSION ACT AND RULES, OR PERSONS OTHER THAN GOVERNMENTAL OFFICIALS OR EMPLOYEES OR IN A SITUATION WHERE HEALTH, SAFETY, OR WELFARE REQUIRES IMMEDIATE ACTION.

Approved by Kathleen M. Wilbur, Director  
Michigan Department of Consumer & Industry Services  
Dated 9/15/97 - Lansing, Michigan

IS-042-97  
Rev. 9/15/97

ISSUE: Section 28 (1) (h) [125.2328 (1) (h)] of the Mobile Home Commission Act reads as follows:

“(h) Subject to section 28a, denying a resident the right to sell his or her mobile home, on-site, at a price determined by him or her, to any purchaser, if the purchaser qualifies for tenancy and the mobile home meets the conditions of written park rules or regulations. This subdivision does not apply to seasonal mobile home parks.”

Does a park rule deny a resident the right to sell her/his home on-site if it prohibits the use of an outside broker to sell a home in the park?

DISCUSSION: It can be argued that any park rule regarding the sale of a home on its site in the park affects the ability of the resident to sell the home. However, Section 28 (1) (h) sets a higher standard - that of denying a resident the right to sell. At its meeting on August 27, 1997, the Mobile Home Commission unanimously decided that a park rule which prohibits the use of an outside broker would have the effect of not just affecting but actually denying the resident’s right to sell her/his home on-site, given the essential knowledge about selling homes which a broker may have but the resident may not have.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THAT A MOBILE HOME PARK RULE WHICH PROHIBITS THE USE OF AN OUTSIDE BROKER TO SELL A HOME IN THE PARK IS AN UNFAIR PRACTICE IN VIOLATION OF SECTION 28 (1) (H) [125.2328 (1) (H)] OF THE MOBILE HOME COMMISSION ACT.

ISSUE: Rule 1001 (a) [R125.2001 (a)] of the Mobile Home Commission Rules reads as follows:

“(a) “Entrance fee” means a fee charged by a mobile home park as a condition precedent, subsequent, or concurrent to the right to reside in the park. The term does not include any of the following:

- (i) Security deposits.
- (ii) Fees and taxes charged by a unit of government, except such fees and taxes to be paid by the park which are related to capital improvements.
- (iii) Deposits for service charged by public utilities.
- (iv) Utility charges billed directly to the tenant by the park.
- (v) Rent.
- (vi) Actual cost of a credit report, if one is obtained.
- (vii) Such other fees as may, from time to time, be determined by the commission by declaratory ruling, rule, or interpretive statement.
- (viii) Nonrefundable cleaning fee as allowed by law.”

Is a mobile home park requirement for resident paid for and/or provided landscaping or underground sprinkling systems an entrance fee?

DISCUSSION: The Manufactured Housing Division received an inquiry regarding the appropriateness of a mobile home park requirement for residents to pay for or provide landscaping and underground sprinkling systems for their home sites. Because the Mobile Home Commission has the authority under Rule 1001 (a) (vii) to exclude certain fees from the definition of "entrance fee", the question was referred to the Commission. At its August 27, 1997 meeting, the Commission unanimously decided that such a requirement is an entrance fee.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE TERM "ENTRANCE FEE" IN RULE 1001 (A) [R125.2001 (A)] AS INCLUDING A MOBILE HOME PARK REQUIREMENT FOR RESIDENT PAID FOR AND/OR PROVIDED LANDSCAPING OR UNDERGROUND SPRINKLING SYSTEMS.

ISSUE: Mobile Home Commission Rule 928 (R 125.1928) reads as follows:

“If a developer provides sidewalks, the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all mobile home sites to principal destinations within the park and connection to the public sidewalks outside the park. A sidewalk system shall be in compliance with all of the following requirements:

- (a) Where steps are installed, they shall rise on steeper than 5 feet vertically and 10 feet horizontally. Handrails shall be installed in compliance with the provisions of R 408.30401 of the Michigan Administrative Code.
- (b) Where steps are installed along common sidewalks, ramps shall be installed in compliance with R 408.30445 of the Michigan Administrative Code.
- (c) If constructed, sidewalk shall have a minimum width of 3 feet.
- (d) An individual sidewalk shall be constructed between the permanent foundation, or patio if provided, and the on-site parking spaces or parking bay, whichever is provided, or common sidewalk, if provided.”

Commission Rule 947a (2) [R 125.1947a (2)] reads as follows:

“An existing mobile home park licensed under the act or previous acts that expands shall conform to all the requirements pertaining to park construction in these rules for all expansions.”

How wide must an individual sidewalk in a new mobile home park or expansion to an existing park be?

DISCUSSION: Subrule (b) of Rule 928 appears to apply only to common sidewalks in a mobile home park. Subrule (d) of Rule 928 seems to apply only to individual sidewalks. It is not clear to which sidewalks the opening paragraph and subrule (c) of Rule 928 apply.

At its meeting on January 21, 1998, the Manufactured Housing Commission approved the interpretation of Rule 928 recommended by its Community Committee and embodied in the interpretive statement which follows.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MOBILE HOME COMMISSION RULE 928 (R 125.1928) AS REQUIRING, IF PROVIDED, AN INDIVIDUAL SIDEWALK IN A NEW MOBILE HOME PARK OR EXPANSION TO AN EXISTING PARK TO HAVE A MINIMUM WIDTH OF 3 FEET.

ISSUE: Mobile Home Commission Rules 816 (5) (c) [R 125.1816 (5) (c)] and 817 (5) (c) [R 125.1816 (5) (c)] both read as follows:

“(5) All of the following documents shall be filed with the application:

(c) Certification of the park electrical system by site number pursuant to the provisions of R 325.3391.”

What part of the electrical system located in a mobile home park is defined as the park’s electrical system?

DISCUSSION: It is not unusual for a utility company to own part of a mobile home park’s electrical system. In that situation, is the park’s electrical system defined as the whole electrical system located within the park or is it only the part of the park electrical system which is actually owned by the park?

At its meeting on January 21, 1998, the Manufactured Housing Commission approved the interpretation of Rule 816 (5) (c) and 817 (5) (c) recommended by its Community Committee and embodied in the interpretive statement which follows.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS “PARK ELECTRICAL SYSTEM” AS USED IN MOBILE HOME COMMISSION RULES 816 (5) (C) [R 125.1816 (5) (C)] AND 817 (5) (C) [R 125.1817 (5) (C)] TO MEAN “ELECTRICAL SYSTEM OWNED BY THE PARK”.

Approved by the Manufactured Housing Commission - March 18, 1998

IS-046-98

ISSUE: Section 7 (1) [125.2307 (1)] of the Mobile Home Commission Act reads, in part, as follows:

“(1) A local government which proposes a standard related to mobile home parks...that is higher than the standard provided in this act or the code shall file the proposed standard with the commission....The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest.”

Can a local governmental water supplier which provides water to a mobile home park regulate, by an ordinance unapproved by the Manufactured Housing Commission, water usage rates and administrative service fees that the park charges its residents for supplying local governmental water?

DISCUSSION: There is no provision in the Mobile Home Commission Act or Rules which gives a local government the authority to regulate the water usage rates and administrative service fees that a mobile home park charges its residents for supplying local governmental water. Therefore, a local governmental standard which imposes this regulation would have to be approved by the Manufactured Housing Commission under Section 7 (1) of the Commission Act.

At its January 21, 1998 meeting, the Commission approved the interpretation of Section 7 (1) recommended by its Community Committee and embodied in the interpretive statement which follows.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS SECTION 7 (1) [125.2307 (1)] OF THE MOBILE HOME COMMISSION ACT AS PROHIBITING A LOCAL GOVERNMENTAL WATER SUPPLIER WHICH PROVIDES WATER TO A MOBILE HOME PARK FROM REGULATING, BY AN ORDINANCE UNAPPROVED BY THE COMMISSION, WATER USAGE RATES AND ADMINISTRATIVE SERVICE FEES THAT THE PARK CHARGES ITS RESIDENTS FOR SUPPLYING LOCAL GOVERNMENTAL WATER.

ISSUE: Rule 704 (c) [R 125.1704 (c)] reads as follows:

Rule 704. Immediately upon occupancy, each tenant of the mobile home park shall be provided by the park management a list containing, but not limited to, the following information:

(c) The telephone number of the mobile home park office, including the normal business hours and emergency telephone number where the park manager or person can be reached after normal business hours. When an answering service is used, a person shall be available to respond to emergencies.

Must a mobile home park have business hours?

DISCUSSION: Rule 704 (c) requires that the normal business hours of a mobile home park be given to each incoming tenant but does not specifically state that a park must have business hours.

Proponents of interpreting Rule 704 (c) as requiring business hours argue that the rule, by requiring that normal business hours be given to incoming residents, implies that business hours are required. Opponents of interpreting Rule 704 (c) as requiring business hours argue for a literal interpretation of the rule and state that, in small parks, business hours are not necessary and, furthermore, would result in an unnecessary cost imposed on residents.

At its meeting on May 13, 1998, the Manufactured Housing Commission determined that a mobile home park does not have to have business hours.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MOBILE HOME COMMISSION RULE 704 (C) [R 125.1704 (C)] AS NOT REQUIRING A MOBILE HOME PARK TO HAVE BUSINESS HOURS.

Approved by the Manufactured Housing Commission - July 8, 1998

ISSUE: Section 28a (1) (e) [125.2328a (1) (e)] of the Mobile Home Commission Act reads as follows:

“(e) A park owner or operator may charge a reasonable fee to inspect the mobile home before sale. The charge shall not be more than \$30.00, or the amount charged for building permit inspections by the municipality in which the mobile home is located, whichever is higher.”

Can a manufactured home community subcontract a home resale inspection to a third party which charges a resident more than the amount the community is allowed to charge under Section 28a (1) (e)?

DISCUSSION: Proponents of allowing the higher charge argue that Section 28a (1) (e) applies only to inspections actually conducted by the manufactured home community. Opponents argue that subcontracting the inspection does not relieve the community of responsibility for complying with Section 28a (1) (e).

At its meeting on December 9, 1998, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS SECTION 28A (1) (E) [125.2328A (1) (E)] OF THE MOBILE HOME COMMISSION ACT AS ALLOWING A MOBILE HOME PARK TO SUBCONTRACT MOBILE HOME RESALE INSPECTIONS TO A THIRD PARTY WHICH CHARGES MORE THAN THE AMOUNT ALLOWED IN SECTION 28A (1) (E) BUT NOT ALLOWING THE RESIDENT OF THE HOME TO BE CHARGED MORE THAN THE AMOUNT ALLOWED IN SECTION 28A (1) (E).

X  Approved \_\_\_\_\_ Disapproved by Manufactured Housing Commission  7/14/99   
Date

IS-049-99

ISSUE: Manufactured Housing Commission Rule 201 (3) [R 125.1201 (3)] reads as follows:

“(3) If a licensing application is for a community that was previously owned by another person, then the applicant shall file an application with the department, on a form prescribed by the department, not more than 30 days after the applicant records the deed to the community.”

What do the words “...owned by...” and “...records the deed to...” mean when the deed to a community has not passed to the licensee?

DISCUSSION: The words “...owned by...” and “...records the deed to...” do not apply to all completed sales transactions for manufactured home communities (e.g. land contracts). As a result, if the words were literally interpreted, some applications for communities could not be approved.

At its December 9, 1998 meeting, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS “...OWNED BY...” TO MEAN “LICENSED TO” AND THE WORDS “...RECORDS THE DEED TO...” TO MEAN “TAKES CONTROL OF” AS THE WORDS ARE USED IN MANUFACTURED HOUSING COMMISSION RULE 201 (3) [R 125.1201 (3)].

X  Approved        Disapproved by Manufactured Housing Commission 7/14/99  
Date

ISSUE: Manufactured Housing Commission Rule 214j (1) [R 125.1214j (1)] reads as follows:

“(1) As a condition of licensing, an installer and servicer shall maintain liability insurance of not less than \$1,000,000.00 and worker’s compensation insurance. Finished product liability shall not be a condition of the insurance coverage required by this rule.”

Is every installer and servicer required to maintain worker’s compensation insurance?

DISCUSSION: There is a possible conflict between the absolute requirement in Rule 214j (1) for an installer and servicer to maintain worker’s compensation insurance and the exceptions found in the Workers Disability Compensation Act (Public Act 317 of 1969, as amended). As a result, Rule 214j (1) may be imposing a requirement on some installers and servicers which they may not be able to meet.

At its meeting on December 9, 1998, the Manufactured Housing Commission accepted the recommendation of its Installation Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING COMMISSION RULE 214J (1) [R 125.1214J (1)] AS REQUIRING INSTALLER AND SERVICERS TO MAINTAIN WORKER’S COMPENSATION INSURANCE AS PROVIDED IN THE WORKERS DISABILITY COMPENSATION ACT (PUBLIC ACT 317 OF 1969, AS AMENDED).

  X   Approved \_\_\_\_\_ Disapproved by Manufactured Housing Commission   7/14/99    
Date

ISSUE: Manufactured Housing Commission Rule 101 (1) (j) [R 125.1101 (1) (j)] reads as follows:

“(j) Consumer deposit” means all payments of cash or by personal check, money order, certified or cashier’s check or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement. A consumer deposit includes a down payment as defined in subdivision (m) of this sub-rule. A consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the deposit can be transferred to a general account.”

The first sentence of Manufactured Housing Commission Rule 403 (8) [R 125.1403 (8)] reads as follows:

“(8) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash deposits and cash value of other security recorded over the previous 3 years.”

Is a retailer who has a consumer deposit bond also required to have a consumer deposit escrow account?

DISCUSSION: There is a possible conflict between Rule 101 (1) (j), which requires a retailer to place a consumer deposit into an escrow account, and Rule 403 (8), which allows a retailer to have a consumer deposit bond in place of an escrow account.

At its December 9, 1998 meeting, the Manufactured Housing Commission amended and then adopted the recommendation of its Installation Committee.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING COMMISSION RULE 403 (8) [R 125.1403 (8)] AS NOT REQUIRING A RETAILER TO PLACE A CONSUMER DEPOSIT INTO AN ESCROW ACCOUNT IF THE RETAILER HAS A CONSUMER DEPOSIT BOND.

X  Approved \_\_\_\_\_ Disapproved by Manufactured Housing Commission \_\_\_\_\_  
Date 7/14/99

IS-052-99

ISSUE: Manufactured Housing Commission Rule 941 (1) (a) and (b) [R 125.1941 (1) (a) and (b)] reads as follows:

“(1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

(b) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.

What is the minimum distance between a home not sited parallel to an internal road and a home sited parallel to an internal road?

DISCUSSION: A potential conflict exists between the distance requirements in Rule 941 (1) (a) and Rule 941 (1) (b) when a home parallel to an internal road is sited next to a home which is not parallel to an internal road.

At its December 9, 1998 meeting, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING COMMISSION RULE 941 (1) (A) AND (B) [R 125.1941 (1) (A) AND (B)] AS REQUIRING THE MINIMUM DISTANCE BETWEEN A HOME NOT SITED PARALLEL TO AN INTERNAL ROAD AND A HOME SITED PARALLEL TO AN INTERNAL ROAD TO BE 20 FEET.

X  Approved        Disapproved by Manufactured Housing Commission   07/14/99    
Date

IS-053-99

ISSUE: Manufactured Housing Commission Rule 941 (1) (a) and (b) [R 125.1941 (1) (a) and (b)] reads as follows:

“(1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

(b) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.”

Does the phrase “...structure...used for living purposes...” include a structure which is only used seasonally?

DISCUSSION: Proponents of including structures which are used seasonally argue that Rule 941 (1) (a) and (b) does not describe how often a structure has to be used for living purposes. Opponents of including seasonally used structures argue that inclusion would be contrary to the intent of the rule and would result in fewer homes being sited in manufactured home communities.

At its meeting on December 9, 1998, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS “...USED FOR LIVING PURPOSES...” AS USED IN MANUFACTURED HOUSING COMMISSION RULE 941 (1) (A) AND (B) [R 125.1941 (1) (A) AND (B)] TO MEAN “ABLE TO BE USED FOR LIVING FOR THE ENTIRE YEAR”.

  X   Approved        Disapproved by the Manufactured Housing Commission   7/14/99    
Date

IS-054-99

ISSUE: Manufactured Housing Commission Rule 602a (R 125.1602a) reads as follows:

“All components used in the installation of a home, such as foundation footings and piers, shall be uniform in construction and shall be compatible with any existing system that may be installed on the home site.”

Are different types of foundation footings compatible with each other?

DISCUSSION: One distinction between foundation footings is whether they lie on the surface of the ground or below the surface of the ground. There is general agreement within the manufactured home industry that surface foundation footings are not compatible with below surface foundation footings.

There are several types of permanent and portable surface foundation footings. Some members of the industry think that each type is not compatible with any other type. Others think that, under certain conditions, one type may be compatible with other types.

At its March 17, 1999 meeting, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING COMMISSION RULE 602A (R 125.1602A) AS:

1. NOT ALLOWING A SURFACE FOUNDATION FOOTING, WHICH IS DEFINED AS A FOUNDATION FOOTING WHICH SETS ON THE SURFACE OF THE GROUND, TO BE USED WITH A BELOW SURFACE FOUNDATION FOOTING BECAUSE THEY ARE NOT COMPATIBLE;
2. ALLOWING A PORTABLE SURFACE FOUNDATION FOOTING WHICH MEETS A HOME MANUFACTURER’S LOAD BEARING REQUIREMENTS TO BE USED WITH ANY OTHER SURFACE FOUNDATION WHICH MEETS THE HOME MANUFACTURER’S LOAD BEARING REQUIREMENTS BECAUSE THEY ARE COMPATIBLE.

  X   Approved        Disapproved by Manufactured Housing Commission   7/14/99    
Date

IS-055-99

ISSUE: Manufactured Housing Commission Rule 947a (3) [R 125.1947a (3)] reads as follows:

“(3) An existing community licensed under the act or previous acts and constructed according to the standards in previous acts or local ordinances, or both, shall be maintained in a condition consistent with the standards.”

Section 7 (b) (2) of Public Act 52 of 1949 reads as follows:

“(2) Each trailer coach shall be allotted a site of not less than 700 square feet. No trailer coach shall be parked closer than 3 feet to the side lot lines of a trailer coach park, if the abutting property is improved property, or closer than 10 feet to a public street or alley. There shall be an open space of at least 10 feet between the sides of every trailer coach and at least 3 feet between the ends of every trailer coach. After January 1, 1950, newly developed trailer coach parks and the expanded portions of previously established parks shall allot a site of not less than 900 square feet for each trailer. On such sites the space between trailers may be used for the parking of motor vehicles, provided such space is clearly designated and such vehicle be parked at least 10 feet from the nearest adjacent site.”

To which lot lines on a manufactured home site do the words “...side lot lines...” refer?

DISCUSSION: There is no definition in Public Act 52 of 1949 of side lot lines. One possible meaning is the two lot lines parallel to the manufactured home. Another possible meaning is all of the lot lines which surround the home.

At its meeting on December 9, 1998, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS “...SIDE LOT LINES...” AS USED IN SECTION 7 (B) (2) OF PUBLIC ACT 52 OF 1949 TO MEAN “PERIMETER PROPERTY LINES ON ALL SIDES” OF A TRAILER COACH PARK.

X  Approved        Disapproved by the Manufactured Housing Commission       7/14/99        
Date

IS-056-99

ISSUE: Section 28a (1) [125.2328a (1)] of the Mobile Home Commission Act reads as follows:

“(1) Mobile home park rules or regulations may include provisions governing the physical condition of mobile homes and the aesthetic characteristics of mobile homes in relation to the mobile home park in which they are located, subject to all of the following:”

What does “...in relation to the mobile home park in which they are located...” mean?

DISCUSSION: There are varying opinions about the number of homes in a manufactured home community that have to possess a certain aesthetic characteristic before it can be imposed on the remainder of the homes in the community as a condition for home resale within the community.

At its meeting on March 17, 1999, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS “...IN RELATION TO THE MOBILE HOME PARK IN WHICH THEY ARE LOCATED...” IN SECTION 28A (1) [125.2328A (1)] OF THE MOBILE HOME COMMISSION ACT TO MEAN “IN RELATION TO A MAJORITY OF THE MOBILE HOMES IN THE MOBILE HOME PARK IN WHICH THEY ARE LOCATED”.

X  Approved \_\_\_\_\_ Disapproved by Manufactured Housing Commission \_\_\_\_\_ 7/14/99  
Date

ISSUE: Manufactured Housing Commission Rule 1006 (4) and (5) [R 125.2006 (4) and (5)] reads as follows:

“(4) Community rules which require tires and axles to be present if a home is to be sold in the community, which regulate the size, number, and/or placement of “For Sale” signs, or which require home reinspection and an accompanying fee more than 60 days after the home’s previous inspection do not violate section 28a of the act.

(5) Community rules that prohibit “For Sale” signs or require a home to meet a construction standard other than that to which it was built in order to be sold in the community violate section 28a of the act.”

May the use of a centralized manufactured home community “For Sale” sign location be required instead of allowing a resident to place a “For Sale” sign on her/his home site?

DISCUSSION: Proponents of requiring a centralized “For Sale” sign location in lieu of home site “For Sale” sign placement argue that it’s a legitimate regulation of “For Sale” signs under Rule 1006 (4) and not the prohibition found in Rule 1006 (5). Opponents argue that Rule 1006 (5) requires a community to allow home site “For Sale” sign placement regardless of the existence of a centralized “For Sale” sign location.

At its meeting on March 17, 1999, the Manufactured Housing Commission accepted the recommendation of its Community Committee on this issue.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING COMMISSION RULE 1006 (5) [R 125.2006 (5)] AS PROHIBITING A MANUFACTURED HOME COMMUNITY FROM REQUIRING THE USE OF A CENTRALIZED “FOR SALE” SIGN LOCATION IN LIEU OF HOME SITE “FOR SALE” SIGN PLACEMENT.

X  Approved        Disapproved by Manufactured Housing Commission 7/14/99  
Date

ISSUE: Manufactured Housing Rule 101 (j) [R 125.1101 (j)] reads as follows:

“Consumer deposit” means all payments of cash or by personal check, money order, certified or cashier’s check or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement. A consumer deposit includes a down payment as defined in subdivision (m) of this subrule. A consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the deposit can be transferred to a general account.

Manufactured Housing Rule 101 (m) [R 125.1101 (m)] reads as follows:

“Down payment” means all payments, whether made in cash or otherwise, received by or for the benefit of the seller.

Manufactured Housing Rule 101 (e) [R 125.1101 (e)] reads as follows:

“Closing” means the procedure in which final documents are executed.

The first sentence of Manufactured Housing Rule 403 (3) [R 125.1403 (3)] reads as follows:

A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule (12) of this rule.

Is a retailer required to refund fees which it collects on behalf of a lender or governmental agency if a consumer’s request for financing is rejected?

DISCUSSION: A consumer is often required to expend money as part of an application for financing a manufactured home. Examples of these expenditures are fees for an appraisal or a building permit. Frequently, this money is collected by a manufactured home retailer. Then it is forwarded by the retailer to the person providing the required service prior to the lender’s decision regarding financing. It is unclear from Rule 101 (j) whether these expenditures are part of the “...payments...paid to retailers...” as used in the definition of “consumer deposits”.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS  
“...PAYMENTS...PAID TO RETAILERS...” AS USED IN RULE 101 (J) [R 125.1101 (J)] AS NOT  
INCLUDING PAYMENTS COLLECTED BY A RETAILER ON BEHALF OF EITHER A  
LENDER, IN ORDER FOR FINANCING TO BE APPROVED, OR A STATE OR LOCAL  
GOVERNMENTAL AGENCY, IN ORDER TO APPLY FOR PERMITS, AND FORWARDED  
BY THE RETAILER TO THE LENDER OR GOVERNMENTAL AGENCY.

ISSUE: Manufactured Housing Rule 214i (2) [R 125.1214i (2)] reads as follows:

“(2) Before applying for an original or renewed installer and servicer license, an authorized representative of the applicant shall complete department-approved installation instruction within the current licensing year.”

Who may an applicant for an installer and servicer license authorize as its representative for installation instruction?

DISCUSSION: The reason for including the requirement for installation instruction in the Manufactured Housing Rules was to ensure that at least one individual from each installer and servicer receive instruction on installing a manufactured home. After receiving the instruction, it is essential that the individual who received the installation instruction be part of the daily operation of the installer and servicer.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS “AUTHORIZED REPRESENTATIVE” AS USED IN MANUFACTURED HOUSING RULE 214i (2) [R 125.1214i (2)] AS MEANING THE OPERATOR OR AN EMPLOYEE OF AN INSTALLER AND SERVICER.

ISSUE: Section 7 (1) [125.2307 (1)] of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, reads as follows:

A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.

Does a local governmental ordinance which regulates manufactured home community signs constitute a higher standard which is unreasonable, arbitrary, or not in the public interest?

DISCUSSION: The rationale for local governmental ordinances which regulate business signs is that signs should not be safety hazards or inconsistent with local aesthetic values. Those are reasonable goals which are in the public interest. Whether a local governmental ordinance regulating manufactured home community signs is arbitrary depends on the ordinance's application to the signs of other types of residential communities.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS "UNREASONABLE, ARBITRARY, OR NOT IN THE PUBLIC INTEREST" AS FOUND IN SECTION 7 (1) [125.2307 (1)] OF THE MOBILE HOME COMMISSION ACT, P.A. 96 OF 1987, AS AMENDED, AS NOT APPLYING TO A LOCAL GOVERNMENTAL ORDINANCE WHICH REGULATES MANUFACTURED HOME COMMUNITY SIGNS ALONG PUBLIC ROAD RIGHT-OF-WAYS IN THE SAME WAY AS IT REGULATES THE SIGNS OF OTHER RESIDENTIAL COMMUNITIES.

ISSUE: Manufactured Housing Rule 601 (e) [R 125.1601 (e)] reads as follows:

“(e) ‘Foundation footing’ means that part of the support system that lies directly on the ground or below the surface of the ground and on which the piers are placed. When a foundation footing is below the surface of the ground, it shall be 16 inches or more in diameter and 42 inches deep. The foundation footing may be less than a 42-inch depth if supported by a soils analysis.”

Where does the top of a below ground foundation footing need to be in relation to the surface of the ground?

DISCUSSION: In order for piers to be placed on a foundation footing, the top of the foundation footing must be accessible to the piers. By definition, the top of a surface foundation footing is at or above the surface of the ground and, therefore accessible. The best way to assure that accessibility for a below ground foundation footing is for its top to also be at or above the surface of the ground.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS RULE 601 (E) [R 125.1601 (E)] AS REQUIRING THE TOP OF A BELOW GROUND FOUNDATION FOOTING TO BE AT OR ABOVE, TO A MAXIMUM OF TWO INCHES, THE SURFACE OF THE GROUND.

ISSUE: Manufactured Housing Commission Rule 944 (2) [R 125.1944 (2)] reads as follows:

If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way. In addition, the homes, permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to roads dedicated for public use.

May anything be constructed in the 50 foot setback?

DISCUSSION: The reason for the 50 foot setback is to protect manufactured home community residents from the potential danger and noise resulting from an abutting public right-of-way. One contention is that transient uses of the 50 foot setback, such as recreation, will not adversely affect community residents. The contrary contention is that, although perhaps not having as adverse an effect as permanent use of the 50 foot setback, transient usage still has a potential negative effect.

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS MANUFACTURED HOUSING RULE 944 (2) [R 125.1944 (2)] AS NOT ALLOWING ANYTHING TO BE CONSTRUCTED IN THE 50 FOOT SETBACK FROM A BOUNDARY LINE ADJACENT TO A PUBLIC RIGHT-OF-WAY.

ISSUE: Manufactured Housing Rule 101 (1)(e) [R 125.1101 (1)(e)] reads as follows:

“(1) As used in these rules: ...”

“(e) ‘Closing’ means the procedure in which final documents are executed.”

Is a release of a lien one of the final documents which must be executed in order for a closing to occur?

DISCUSSION: A precise understanding of the meaning of “closing” is important because, under Rule 302(1), Applications for Certificates of Manufactured Home Ownership must be filed within 30 days after the closing of sales transactions.

In order for an Application to be filed, the seller or seller’s representative must obtain a release of the previous liens on the home. If a release of a lien is not considered to be one of the final documents which must be executed in order for a closing to occur, on the occasions when it takes longer than 30 days to obtain the release of a lien from a lender, sellers will be in violation of Rule 302 (1).

#### INTERPRETIVE STATEMENT

THE MANUFACTURED HOUSING COMMISSION INTERPRETS THE WORDS “FINAL DOCUMENTS” IN RULE 101(1)(E) [R125.1101 (1)(E)] AS INCLUDING A RELEASE OF A LIEN ON A MANUFACTURED HOME.